



## INFORMATION ABOUT AGENCY REVIEW

Department of Commerce  
160 East 300 South, Box 146701  
Salt Lake City, UT 84114-6701

If you have been denied a license, received disciplinary action on your license, lost a citation hearing, or have otherwise been adversely impacted by a decision from one of the Divisions at the Department of Commerce, please be aware that you may request agency review of that decision by the Department's Executive Director. Upon review, the Executive Director could uphold, reverse, or modify the Division's decision, or might return the case to the Division for further consideration.

*If you choose to file a request for agency review, please keep in mind all of the following:*

- ☐ **Written Request and Due date:** Your request for agency review ("Request") must be received **no later than 30 days** from the date of the Division order that you wish reviewed. The Request must be in writing and must be addressed to **Klarice A. Bachman, Executive Director, Utah Department of Commerce**, at the above address;
- ☐ **Copy of Order:** You must include with your Request a copy of the letter or order you wish reviewed.
- ☐ **Transcript of Hearing:** If a hearing was held in your case, and you are challenging the order on the grounds that the evidence presented at the hearing did not support the order, you must, at your expense, order a transcript of the hearing and file it with the Department. You must also file with the Department your certification verifying that you have ordered a transcript of the proceeding and stating the date by which you expect to file the transcript with this Department. (You may use the attached form titled "Certification Regarding Transcript.") For instructions on how to order a transcript, you may contact the hearing officer or administrative law judge who conducted the hearing. However if the hearing involved a DOPL Citation, contact Kim Lesh at 530-6628; if the hearing was before the Division of Real Estate, contact Renda Christensen at 530-6750;
- ☐ **Memorandum in Support of Your Request:** You may file a memorandum to support your Request. If you are required to file a transcript of the hearing with the Department, your memorandum must be filed no later than fifteen (15) days after the filing of the transcript. Otherwise, your memorandum must be filed at the time you file your Request;
- ☐ **Reply Memorandum:** If the Division files a response, you may file a final reply memorandum no later than five (5) days after the filing date of the Division's response;
- ☐ **Basis for Request:** In order to succeed on agency review, you must be able to show that you were substantially prejudiced as a result of any of the grounds identified in Utah Code Ann. § 63-46b-16(4); and
- ☐ **Copies to Division:** Please provide the Division copies of all documents that you file with the Department.

**Please note that you should not rely on this letter alone for instructions regarding agency review proceedings. The Utah Administrative Procedures Act (Utah Code Ann. sections 63-46b *et seq.*) and this Department's rules (Utah Admin. Code R151-46b *et seq.*) generally govern requests for agency review. You may access these laws and rules at your local library or on the Department of Commerce web site:**

- <http://www.commerce.utah.gov/welcome.html>, click on "Agency Review - Administrative Procedures"

If you have any questions about how to proceed, you are encouraged to seek legal advice from an attorney. You may contact Masuda Medcalf, Administrative Law Judge, at (801) 530-7663, with any technical or procedural questions, but the merits of the case cannot be discussed.